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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/514,651	02/29/2000	MASANORI KAMATA	P18896	2074

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GREENBLUM & BERNSTEIN, P.L.C.
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RESTON, VA 20191

EXAMINER

MURPHY, DILLON J

ART UNIT	PAPER NUMBER
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2625

NOTIFICATION DATE	DELIVERY MODE
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08/01/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/514,651

Applicant(s)

KAMATA, MASANORI

Examiner

Dillon J. Murphy

Art Unit

2625

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 July 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____
Claim(s) objected to: _____
Claim(s) rejected: 35, 36, 44, 47-50, 53 & 54
Claim(s) withdrawn from consideration: 32-43, 45-46, 51-52

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____

Continuation of 5. Applicant's reply has overcome the following rejection(s): 35 U.S.C. 112, first paragraph, rejections of claims 35, 36, 44, 47-50, 53 and 54.

Continuation of 11. does NOT place the application in condition for allowance because:

Regarding the 35 U.S.C. 112, first paragraph, rejections of claims 35, 36, 44, 47-50, 53 and 54:

Applicant's Remarks, pages 3-6 of Remarks, filed July 10, 2007, have been considered and are persuasive. The 35 U.S.C. 112, first paragraph rejection of these claims has been withdrawn.

Regarding the 35 U.S.C. 102b rejection of claims 35, 36, 44, 47-50, 53 and 53 as being anticipated by Matsunai (US 5,357,350):

On pages 7 and 8 of Remarks, filed July 10, 2007, Applicant argues that at all times the display capacity of the display section of Matsunai is the same, thus Matsunai does not anticipate claims 35 and 44, respectively. The examiner respectfully disagrees, citing fig 4 of Matsunai. In STP5, the number of input figures is counted. This corresponds to the size of the display seen in fig 2a. If the number of figures is not 5, i.e. the number of figures is 4 or less, the apparatus stays in the copy mode. Once the number of figures reaches 5 (STP6), the apparatus switches to the facsimile mode, seen in STP7 and STP8. This directly reads on a display in which the capacity of the screen in the copy mode is smaller than a display capacity of the screen in the facsimile mode. A disclosure of fig 4 can be seen in Matsunai at col 6, ln 45- col 7, ln 9, for example, teaching the display capacity of the screen is smaller in the copy mode than in the facsimile mode. Thus, claims 35 and 44 are properly anticipated by Matsunai, and claims 35, 44, 47-50, 53 and 54 are not allowable for at least this reason.

On page 8, Applicant cites Matsunai at col 5, ln 26-29 as evidence that no change in the capacity of the display is taught. Col 5, ln 25-29 states: "For example, the change from the copy mode to the facsimile mode is detected by display of the facsimile number of the display section 18e of the console panel 18 and change in location where a mode display LED is lit." The examiner respectfully disagrees with Applicant's interpretation of this passage. As explained above, up to 4 numbers may be displayed in the copy mode. When the capacity of the display screen exceeds the display capacity of the screen in the copy mode, the device switches from the copy mode to the facsimile mode. The mode LED is similar to Applicant's text in display section 32, for example "COPY ENABLED" and "TRANSMISSION ENABLED DESTINATION," seen in figs 4 and 5. A visual indicator of the mode that the device is currently in does not preclude the device from limiting the capacity of the display depending of the mode of operation. The above cited passage provides no evidence suggesting a change in capacity of the display section is unnecessary, and in fact is similar to the operation of the instant application.


AUNG S. MOE
SUPERVISORY PATENT EXAMINER

7/24/07